

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: [dsheehan@bakerlaw.com](mailto:dsheehan@bakerlaw.com)  
Marc E. Hirschfield  
Email: [mhirschfield@bakerlaw.com](mailto:mhirschfield@bakerlaw.com)  
Keith R. Murphy  
Email: [kmurphy@bakerlaw.com](mailto:kmurphy@bakerlaw.com)

Presentment Date: December 7, 2011  
Time: 12:00 p.m.

Objections Due: December 7, 2011  
Time: 11:00 a.m.

*Attorneys for Irving H. Picard, Esq., Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and Bernard L. Madoff*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF PRESENTMENT OF MOTION FOR AN ORDER  
APPROVING THE RETENTION OF SOROKER – AGMON  
AS SPECIAL COUNSEL NUNC PRO TUNC AS OF SEPTEMBER 20, 2011**

**PLEASE TAKE NOTICE** that upon the motion of Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff, for entry of an order approving the retention

of Soroker – Agmon, Advocates and Patent Attorneys (“Soroker Agmon”), as special counsel to the Trustee, *nunc pro tunc*, as of September 20, 2011, the undersigned will present the attached motion (the “Motion”) and proposed order (the “Order”) to the Honorable Burton R. Lifland, United States Bankruptcy Judge, for signature and entry on **December 7, 2011 at 12:00 noon**.

**PLEASE TAKE FURTHER NOTICE**, that objections, if any, to the Motion (“Objections”), shall (i) be in writing; (ii) conform to the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rules and General Orders; (iii) specify the name of the objecting party and state with specificity the basis of the objection(s) and the specific grounds therefore; (iv) be filed in accordance with the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York, with a proof of service, and a courtesy copy delivered to the Chambers of the Honorable Burton R. Lifland, One Bowling Green, New York, New York 10004; and (v) be served upon (a) Baker & Hostetler LLP, Counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: Marc E. Hirschfield, Esq., and (b) the Securities Investor Protection Corporation, 805 Fifteenth Street, NW, Suite 800, Washington, DC 20005, Attn: Kevin H. Bell, Esq., so as to be received no later than **11:00 a.m. on December 7, 2011**.

**PLEASE TAKE FURTHER NOTICE**, that in the event any Objections are timely served and filed, a hearing may be held before the Honorable Burton R. Lifland, United States Bankruptcy Judge, at a date to be scheduled by the Court, upon such additional notice as the Court may direct. The moving and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

**PLEASE TAKE FURTHER NOTICE**, that, unless Objections are timely served and filed, the proposed Order may be signed without a hearing.

Dated: New York, New York  
November 29, 2011

Respectfully submitted,

/s/ Marc E. Hirschfield

Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: [dsheehan@bakerlaw.com](mailto:dsheehan@bakerlaw.com)  
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Email: [mhirschfield@bakerlaw.com](mailto:mhirschfield@bakerlaw.com)  
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Email: [kmurphy@bakerlaw.com](mailto:kmurphy@bakerlaw.com)

*Attorneys for Irving H. Picard, Esq. Trustee for  
the Substantively Consolidated SIPA Liquidation  
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and Bernard L. Madoff*

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SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**TRUSTEE'S MOTION FOR AN ORDER APPROVING  
THE RETENTION OF SOROKER – AGMON AS SPECIAL  
COUNSEL NUNC PRO TUNC AS OF SEPTEMBER 20, 2011**

Irving H. Picard, Esq. ("Trustee"), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS"), under the Securities

Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”),<sup>1</sup> and Bernard L. Madoff (together, the “Debtor”), by and through his undersigned counsel, for his motion (the “Motion”) for authority to retain special counsel *nunc pro tunc* as of September 20, 2011, respectfully represents as follows:

**Jurisdiction**

1. This Court has jurisdiction over this Application pursuant to SIPA section 78eee(b) and 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue of this SIPA liquidation case and this Motion are proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief sought herein are section 78eee(b)(3) of SIPA and sections 327(e), 328, 329 and 330 of the Bankruptcy Code and Fed. R. Bankr. P. 2014.

**Background**

3. On December 11, 2008 (the “Filing Date”),<sup>2</sup> the Securities and Exchange Commission (“SEC”) filed a complaint in the United States District Court for the Southern District of New York against defendants Bernard L. Madoff and BLMIS (together, the “Defendants”) (No. 08 CV 10791). The complaint alleged that the Defendants engaged in fraud through investment advisor activities of BLMIS.

4. On December 12, 2008, the Honorable Louis L. Stanton of the United States District Court for the Southern District of New York entered an order which appointed Lee S. Richards, Esq., as receiver (the “Receiver”).

5. On December 15, 2008, Judge Stanton entered an order pursuant to SIPA (the “Protective Decree”), which, in pertinent part:

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<sup>1</sup> For convenience, future reference to SIPA will not include “15 U.S.C.”

<sup>2</sup> See section 78III(7)(B) of SIPA.

- a) appointed the Trustee for the liquidation of the business of BLMIS pursuant to section 78eee(b)(3) of SIPA;
- b) appointed Baker & Hostetler LLP as counsel (“Counsel”) to the Trustee pursuant to section 78eee(b)(3) of SIPA; and
- c) removed the case to this Bankruptcy Court pursuant to section 78eee(b)(4) of SIPA.

**Relief Requested**

6. The Trustee has determined that it will be necessary to engage counsel to represent him in Israel. Such legal counsel will enable the Trustee to carry out his duties in this SIPA liquidation proceeding. The Trustee, therefore, proposes to retain and employ the law firm of Soroker – Agmon, Advocates and Patent Attorneys (“Soroker Agmon”) as his special counsel with regard to the Litigation effective as of September 20, 2011.

7. The Trustee seeks to retain Soroker Agmon as special counsel because of its knowledge and expertise in the laws of Israel.

8. The services of Soroker Agmon are necessary and essential to enable the Trustee to execute faithfully his duties herein.

9. Soroker Agmon has indicated a willingness to act on the Trustee’s behalf to render the foregoing professional services.

10. The Trustee submits that Soroker Agmon’s provision of professional services to the Trustee is permissible under section 78eee(3) of SIPA and is in the best interest of the Debtor’s estate and customers and creditors.

11. To the best of the Trustee’s knowledge, and except as disclosed in the declaration of disinterestedness of Jonathan Agmon (the “Agmon Declaration”), executed on November 23, 2011 and annexed hereto as Exhibit A, the members, counsel and associates of Soroker Agmon are disinterested pursuant to section 78eee(b)(3) of SIPA and do not hold or represent any

interest adverse to the Debtor's estate in respect of the matter for which Soroker Agmon is to be retained. Soroker Agmon's employment and retention is necessary and in the best interests of the Debtor's estate and its customers and creditors.

12. Soroker Agmon will be compensated at agreed upon rates, listed below, which reflect a reduction of its normal rates by ten percent (10%). Applications for compensation to Soroker Agmon will be filed with this Court pursuant to applicable statutes and rules. Soroker Agmon's rate information is as follows:

Level of Experience	Normal Rates	Agreed Upon Rates
Partner	\$450	\$405
Associate	\$115 - \$385	\$103.50 - \$346.50 (dependent upon experience level)

13. SIPC has no objection to this Motion and, pursuant to SIPA section 78eee(b)(3), SIPC specifies that the Trustee should be authorized to retain Soroker Agmon as special counsel for the purposes identified herein.

#### Notice

14. Notice of this Motion has been given to SIPC, United States Department of Justice, United States Securities and Exchange Commission and all parties that have filed a notice of appearance herein. In light of the nature of the relief requested, the Trustee submits that such notice is good and sufficient, and no other or further notice is necessary or required.

WHEREFORE, the Trustee respectfully requests that the Court enter an order substantially in the form of Exhibit B hereto, (a) granting this Motion; (b) authorizing the Trustee to employ Soroker Agmon as special counsel for the purposes described herein, *nunc pro tunc*, as of September 20, 2011; and (c) granting the Trustee such other and further relief as is just and proper.

Dated: New York, New York  
November 29, 2011

Respectfully submitted,

/s/ Marc E. Hirschfield  
Baker & Hostetler LLP  
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New York, New York 10111  
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